

110TH CONGRESS  
1ST SESSION

# S. 74

To ensure adequate funding for high-threat areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To ensure adequate funding for high-threat areas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “High Risk Protection  
5       Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act—

8               (1) the term “critical infrastructure” has the  
9       meaning given the term in section 2 of the Home-  
10      land Security Act of 2002 (6 U.S.C. 101);

1           (2) the term “Department” means the Depart-  
2           ment of Homeland Security;

3           (3) the term “high-threat area” means an area  
4           determined to be a high-threat area under section  
5           3(a)(1);

6           (4) the term “Secretary” means the Secretary  
7           of Homeland Security; and

8           (5) the term “Urban Area Security Initiative  
9           Grant Program” means the Urban Area Security  
10          Initiative Grant Program administered by the De-  
11          partment from funds appropriated for discretionary  
12          grants to high-threat, high-density urban areas.

13 **SEC. 3. FUNDING FOR THE URBAN AREA SECURITY INITIA-**  
14 **TIVE GRANT PROGRAM.**

15          (a) IN GENERAL.—

16           (1) ALLOCATION BASED ON RISK ONLY.—Not-  
17          withstanding any other provision of law, amounts  
18          appropriated to the Department for the Urban Area  
19          Security Initiative Grant Program shall be allocated  
20          based solely on risk (which shall include an evalua-  
21          tion of threats, vulnerabilities, and consequences and  
22          consideration of any previous terrorist attacks), as  
23          determined by the Secretary based on the consider-  
24          ations listed in subparagraphs (A) and (B) of para-  
25          graph (2).

1           (2)     DETERMINATION     OF     HIGH-THREAT  
2     AREAS.—In determining which areas qualify as high-  
3     threat areas for the Urban Area Security Initiative  
4     Grant Program, the Secretary shall consider—

5                     (A) whether the area—

6                             (i) contains critical infrastructure, in-  
7                     cluding—

8                                     (I) skyscrapers and large com-  
9                             mercial buildings;

10                                    (II) transportation assets, includ-  
11                             ing rail and mass transit, bridges and  
12                             tunnels, and airports;

13                                   (III) commuting populations;

14                                   (IV) a national monument or  
15                             icon;

16                                   (V) a nuclear power plant or  
17                             nonpower reactor;

18                                   (VI) a seaport;

19                                   (VII) a chemical facility;

20                                   (VIII) a military facility;

21                                   (IX) a Federal facility;

22                                   (X) a dam;

23                                   (XI) a nonnuclear electric power  
24                             plant;

1 (XII) a food or agriculture cen-  
 2 ter;

3 (XIII) an oil or natural gas refin-  
 4 ery or pipeline;

5 (XIV) a financial center; and

6 (XV) a stadium or arena; and

7 (ii) is located on an international bor-  
 8 der or coastline, including the number of  
 9 border crossings; and

10 (B) the population, population density, law  
 11 enforcement investigative and enforcement ac-  
 12 tivity, and tourism in the area.

13 (3) DETERMINATION OF ALLOCATION.—In allo-  
 14 cating amounts among high-threat areas for the  
 15 Urban Area Security Initiative Grant Program, the  
 16 Secretary shall evaluate all threats (including  
 17 threats to national monuments and icons) and crit-  
 18 ical infrastructure vulnerabilities located in high-  
 19 threat areas using the considerations listed in sub-  
 20 paragraphs (A) and (B) of paragraph (2).

21 (b) PEER REVIEW.—The Urban Area Security Initia-  
 22 tive Grant Program shall not be subject to the peer review  
 23 process of the Department.

24 (c) USE OF FUNDS.—Notwithstanding any other pro-  
 25 vision of law, funds made available under the Urban Area

1 Security Initiative Grant Program may be used for over-  
2 time and other employment costs directly relating to the  
3 prevention of terrorist activities and any other activity de-  
4 termined to be necessary by the Secretary.

5 (d) REPORTING REGARDING GRANTS.—Not later  
6 than 30 days before making a final allocation of grants  
7 to high-threat areas under the Urban Area Security Initia-  
8 tive Program, the Secretary shall submit to each Member  
9 of the Senate and the House of Representatives who rep-  
10 resents a high-threat area a report regarding the proposed  
11 allocation of funds, including a description of the analysis  
12 of critical infrastructure used in making the proposed allo-  
13 cation.

14 **SEC. 4. REPORTING REGARDING DETERMINATION AND**  
15 **EVALUATION.**

16 The Secretary shall submit a report to the Committee  
17 on Homeland Security and Government Affairs and the  
18 Committee on Appropriations of the Senate and the Com-  
19 mittee on Homeland Security and the Committee on Ap-  
20 propriations of the House of Representatives regarding  
21 the determination of high-threat areas, evaluation of  
22 threats, vulnerabilities, and consequences, and consider-  
23 ation of any previous terrorist attacks under section 3(a).

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